67th Legislature HB 557.1

| 1 | HOUSE BILL NO. 557 |
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| 2 | INTRODUCED BY J. WINDY BOY |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MISSING PERSONS; |
| 5 | REQUIRING A PERSON WITH ACTUAL KNOWLEDGE OF A MISSING PERSON TO REPORT TO CERTAIN |
| 6 | LAW ENFORCEMENT AUTHORITIES; REQUIRING A REPORT OF A MISSING PERSON TO BE |
| 7 | TRANSMITTED TO THE COUNTY ATTORNEY IN THE COUNTY IN WHICH THE PERSON IS BELIEVED TO |
| 8 | HAVE GONE MISSING; REQUIRING THE COUNTY ATTORNEY TO REPORT THE STATUS OF MISSING |
| 9 | PERSONS CASES TO THE ATTORNEY GENERAL; AMENDING SECTIONS 44-2-408 AND 44-2-505, MCA; |
| 10 | AND PROVIDING AN APPLICABILITY DATE." |
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| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
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| 14 | NEW SECTION. Section 1. Mandatory report of missing person penalty. (1) A person with |
| 15 | actual knowledge of the whereabouts of a person publicly designated as missing by the Montana department of |
| 16 | justice shall immediately report the date, time, location, and general circumstances of the missing person to a |
| 17 | local law enforcement authority or the department of justice. |
| 18 | (2) (a) A person who knowingly or purposely fails to provide law enforcement authorities with a timely |
| 19 | report is guilty of a misdemeanor and shall be imprisoned in the county jail for a term not to exceed 1 year or |
| 20 | fined an amount not to exceed \$1,000. |
| 21 | (b) If the person who was publicly designated as missing dies as a result of an activity that could have |
| 22 | been avoided through a timely report, the person who knowingly or purposely fails to provide law enforcement |
| 23 | authorities with the timely report is guilty of a felony and shall be imprisoned in the state prison for a term not to |
| 24 | exceed 5 years or fined an amount not to exceed \$10,000, or both. |
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| 26 | Section 2. Section 44-2-408, MCA, is amended to read: |
| 27 | "44-2-408. Missing person reports. (1) All law enforcement authorities in the state shall accept, |
| 28 | without delay, any report of a missing person unless there are extenuating circumstances, including: |
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(a) the law enforcement authority knows the location of the person reported missing;

- (b) the law enforcement authority confirms the safe status of the person reported missing;
- 3 (c) the law enforcement authority confirms that another law enforcement authority has or will accept a 4 missing person report for the person; or
 - (d) other circumstances documented by the law enforcement authority.
- (2) All missing person reports must be entered into the database of the national crime information 7 center of the United States department of justice within:
 - (a) 2 hours of receipt for persons under 21 years of age; or
- 9 (b) 8 hours of receipt for persons 21 years of age or older.
 - (3) If a missing person is not located within 30 days of being reported missing, the law enforcement authority that took the report shall ensure a complete and accurate record of information is compiled for the missing person, including a photograph if one is available.
 - (4) A missing person report must be transmitted to the county attorney in the county in which the person was believed to have gone missing within 2 hours after entry into the database of the national crime information center of the United States department of justice.
 - (5) By January 1 and July 1 of each year, each county attorney shall provide a written summary to the Montana department of justice of the prosecution response made, if any, as the result of missing person reports received by a law enforcement authority in the county. The summary must be made on a form prescribed by the attorney general and must designate the status of each prosecution response as closed, open-pending investigation, or open-pending prosecution, and give an explanation for each status."

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- Section 3. Section 44-2-505, MCA, is amended to read:
- "44-2-505. Duties of law enforcement authority. (1) Whenever a parent, guardian, or legal custodian of a child files a report with a law enforcement authority that the child is missing, the law enforcement authority shall within 2 hours of the report:
- 26 (1)(a) inform all on-duty law enforcement officers of the existence of the missing child report;
- 27 (2)(b) communicate the report to all other law enforcement authorities having jurisdiction in the 28 county;



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| 1 | (3)(c) enter the missing child report into the national crime information center computer system; and |
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| 2 | (4)(d) if the missing child is enrolled in a Montana public school district, request the child's directory |
| 3 | photograph from the superintendent of public instruction pursuant to 20-7-1317. If a directory photograph is |
| 4 | available, it must be included with the missing child report. |
| 5 | (2) Within 2 hours of entering the missing child report as required in subsection (1)(c), the law |
| 6 | enforcement authority shall report to the county attorney in the county in which the child was believed to have |
| 7 | gone missing. |
| 8 | (3) A report of a missing child filed pursuant to this section must be reported to the attorney general |
| 9 | as provided in 44-2-408(5)." |
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| 11 | NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an |
| 12 | integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1]. |
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| 14 | NEW SECTION. Section 5. Applicability. [This act] applies to reports made about people who are |
| 15 | publicly designated as missing by the department of justice on or after [the effective date of this act]. |
| 16 | - END - |

